

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

vs.

CASE NO.: 5:17-CR-00279

MARY JEAN PUGH
Defendant

SENTENCING MEMORANDUM

DATED: June 28, 2018
Oswego, New York

Respectfully submitted,



JOSEPH G. RODAK, ESQ.
RODAK LAW OFFICE, P.C.
Attorney for Defendant, Mary Jean Pugh
55 West Second Street
Oswego, New York 13126
Phone: (315) 342-7214
Fax: (315) 342-6956
Email: rodaklawoffice@gmail.com

PRELIMINARY STATEMENT

On April 3, 2018, Mary Jean Pugh, entered a plea of guilty to a single-count Indictment 17-CR-00279 which charges that between in or about January of 2015 and in or about July of 2017, in Oswego County and elsewhere in the Northern District of New York, Ms. Pugh knowingly possessed a listed chemical, that being pseudoephedrine, a list I chemical, knowing that said chemical would be used to unlawfully manufacture a controlled substance, that being methamphetamine, a Schedule II controlled substance, in violation of 21 U.S.C. § 841(c)(2). Said plea was pursuant to a plea agreement dated January 30, 2018.

BACKGROUND

A. CONDUCT:

A Pre-Sentence Investigation Report (PSR) was prepared on May 8, 2018, setting forth the offense conduct. The Defendant, Mary Jean Pugh, has no reason to question the accuracy of the facts set forth in the Pre-Sentence Report, and therefore, accepts the conduct as set forth. Ms. Pugh would purchase pseudoephedrine for her boyfriend, Edward Bennett, and Mr. Bennett would then manufacture methamphetamine from a lab which was located in the woods behind his uncle's residence in Pulaski, New York . Both Ms. Pugh and Mr. Bennett were arrested on July 11, 2017, by the Oswego City Police following surveillance and a traffic stop. This case is currently pending in New York State Court. The Defendant, Ms. Pugh, was subsequently arrested on federal charges on or about September 28, 2017. She was ordered detained pending a detention hearing scheduled for October 2, 2017. Following the hearing, Ms. Pugh was released with pre-trial services supervision. She has remained on supervision until the present date.

B. PERSONAL BACKGROUND:

Mary Jean Pugh was born on July 27, 1977, in Syracuse, New York. She and her parents resided in the Eastwood area of Syracuse until she was approximately 12 years old at which time her parents relocated to Parish, New York where they remain to the present day. She graduated from Altmar-Parish-Williamstown School in Parish, New York in 1996 and she has maintained steady employment as a landscape foreman at TJ's Lawns Plus in Phoenix, New York since 2001. She presently earns \$15.00 per hour. Ms. Pugh has no marital history, but does have a child as a result of her relationship with Edward Bennett, a daughter, Logunn Bennett who is age 1 and is currently in Ms. Pugh's custody.

While on pre-trial services supervision, Mary Jean has maintained employment and is also actively involved in substance abuse treatment at Syracuse Behavioral Health. According to her substance abuse counselor, Ms. Pugh's attendance and participation remain good and she is aware of the benefits from remaining in treatment.

The balance of the personal background information contained in the PSR is not in dispute, and Ms. Pugh does not dispute her financial condition also as set forth in the PSR.

C. CRIMINAL HISTORY

Mary Jean Pugh does not dispute those aspects of her criminal history contained in the Pre-Sentence Investigation Report which result in a criminal history score of 4 and a criminal history category of III.

SENTENCING

MOTIONS AND REQUEST OF THE DEFENDANT, MARY JEAN PUGH

The Defendant has plead guilty to the single-count indictment charging her with possession of a listed chemical knowing it would be used to manufacture a controlled substance, in violation of 21 U.S.C. § 841(c)(2). Ms. Pugh accepts the sentencing guideline calculation set forth in the Pre-Sentence Investigation Report which yields a total offense level of 23. In addition, Ms. Pugh has demonstrated an acceptance of responsibility for the offense enumerated.

Mary Jean Pugh would, however, request that the Court consider further factors that may warrant a sentence outside of the advisory guidelines system. She has had a positive adjustment to pre-trial services supervision and has made significant progress in her substance abuse treatment. She has a positive employment record and has maintained steady consistent employment since 2001. She is valued as a good and hardworking employee in spite of her ongoing battles with her substance addictions. She has also adjusted favorably to her family responsibilities for her 1 year old daughter and has been a responsible, caring, and loving parent. While she was not actively involved in manufacturing methamphetamine, she deeply regrets her involvement in the purchase of pseudoephedrine for said manufacturing and is taking steps to address her substance abuse addictions which led her to such involvement. All of her past involvement with the criminal justice system has the common thread of substance abuse addiction tying it all together. While her efforts in the past to adequately address those addictions were not entirely successful, the fact that she is now a new mother has given her an added incentive to successfully address her substance abuse addictions that

have plagued her throughout her life. Since the instant arrest, and involvement in pre-trial services, and her treatment at Syracuse Behavioral Health, she currently appears to be on a positive course in addressing these issues. I would request the Court to take that into consideration in determining a sentence.

CONCLUSION

The Defendant, Mary Jean Pugh, respectfully requests that the Court take the entirety of her life into consideration at the time of sentence including her recent positive adjustment to substance abuse treatment and her recent positive adjustment as a parent. After consideration of all the factors set forth in 18 U.S.C. §3553(a), we request that the Court impose a sentence that is sufficient, but not greater than necessary to achieve the goals of sentencing.